

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4958 of this title.

§ 5082. National Older Americans Volunteer Programs

(a) There is authorized to be appropriated \$28,691,000 for fiscal year 1982 and \$30,412,000 for fiscal year 1983, for the purpose of carrying out programs under part A of subchapter II of this chapter.

(b) There is authorized to be appropriated \$49,670,000 for fiscal year 1982 and \$52,650,000 for fiscal year 1983, for the purpose of carrying out programs under part B of subchapter II of this chapter.

(c) There is authorized to be appropriated \$16,610,000 for fiscal year 1982 and \$17,607,000 for fiscal year 1983, for the purpose of carrying out part C of subchapter II of this chapter.

(Pub. L. 93-113, title V, § 502, Oct. 1, 1973, 87 Stat. 415; Pub. L. 94-135, title II, § 205(a), Nov. 28, 1975, 89 Stat. 727; Pub. L. 95-478, title IV, § 402(d), Oct. 18, 1978, 92 Stat. 1558; Pub. L. 97-35, title VI, § 607(b), Aug. 13, 1981, 95 Stat. 486.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35, § 607(b)(1), substituted provisions authorizing appropriations for the fiscal years 1982 and 1983, for provisions authorizing appropriations for the fiscal year ending June 30, 1974, through the fiscal year ending Sept. 30, 1981.

Subsec. (b). Pub. L. 97-35, § 607(b)(2), substituted provisions authorizing appropriations for fiscal years 1982 and 1983, for provisions relating to authorization, availability, and allocation of appropriations from the fiscal year ending June 30, 1974, through the fiscal year ending Sept. 30, 1981.

Subsec. (c). Pub. L. 97-35, § 607(b)(3), added subsec. (c).

1978—Subsec. (a). Pub. L. 95-478, § 402(d)(1), authorized appropriations of \$25,000,000; \$30,000,000; and \$35,000,000 for fiscal years ending Sept. 30, 1979, through 1981.

Subsec. (b)(2). Pub. L. 95-478, § 402(d)(2), authorized appropriations of \$55,000,000; \$62,500,000; and \$70,000,000 for fiscal years ending Sept. 30, 1979, through 1981, for carrying out part B programs of the subchapter.

1975—Subsec. (a). Pub. L. 94-135, § 205(a)(1), authorized appropriations of \$6,000,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$22,000,000 for fiscal years ending Sept. 30, 1977, and 1978.

Subsec. (b). Pub. L. 94-135, § 205(a)(2), authorized appropriations of \$10,750,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$43,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in introductory text; \$8,750,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$35,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in cl. (A); and \$2,000,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$8,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in cl. (B).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-478 effective at the close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

§ 5083. Repealed. Pub. L. 95-510, § 102(b), Oct. 24, 1978, 92 Stat. 1781

Section, Pub. L. 93-113, title V, § 503, Oct. 1, 1973, 87 Stat. 415; Pub. L. 94-293, § 6(b), May 27, 1976, 90 Stat.

526, authorized appropriations for national volunteer programs to assist small businesses and promote volunteer service by persons with business experience.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Oct. 1, 1979, see section 105 of Pub. L. 95-510, set out as an Effective Date of 1978 Amendment note under section 634 of Title 15, Commerce and Trade.

§ 5084. Administration and coordination

There is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, \$30,091,000 for fiscal year 1982 and \$29,348,000 for fiscal year 1983.

(Pub. L. 93-113, title V, § 504, Oct. 1, 1973, 87 Stat. 416; Pub. L. 94-293, § 6(c), May 27, 1976, 90 Stat. 526; Pub. L. 96-143, § 15(c), Dec. 13, 1979, 93 Stat. 1082; Pub. L. 97-35, title VI, § 607(c), Aug. 13, 1981, 95 Stat. 487.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 396, as amended, known as the Domestic Volunteer Service Act of 1973, which enacted this chapter, amended section 3067 of this title and section 8332 of Title 5, Government Organization and Employees, repealed sections 2991, 2992 to 2992b, 2993 to 2993b, 2994 to 2994d, and 3044 to 3044e of this title, and enacted provisions set out as notes under sections 4951 and 5041 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4951 of this title and Tables.

AMENDMENTS

1981—Pub. L. 97-35 substituted provisions authorizing appropriations for fiscal years 1982 and 1983, for provisions authorizing appropriations for the fiscal year ending June 30, 1974, through the fiscal year ending Sept. 30, 1981.

1979—Pub. L. 96-143 inserted "September 30, 1979, September 30, 1980, and September 30, 1981," following "September 30, 1978,".

1976—Pub. L. 94-293 added "September 30, 1977, and September 30, 1978," following "June 30, 1976,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 3142.

§ 5085. Availability of appropriations

Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this chapter or any predecessor authority shall remain available, in accordance with the provisions of this chapter, for obligation and expenditure until expended.

(Pub. L. 93-113, title V, § 505, Oct. 1, 1973, 87 Stat. 416.)

CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

SUBCHAPTER I—CHILD ABUSE PREVENTION AND TREATMENT

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SUBCHAPTER I—CHILD ABUSE PREVENTION AND TREATMENT

§ 5101. National Center on Child Abuse and Neglect

(a) Establishment

The Secretary of Health and Human Services (hereinafter referred to in this subchapter as the "Secretary") shall establish an office to be

known as the National Center on Child Abuse and Neglect (hereinafter referred to in this subchapter as the "Center").

(b) Functions

The Secretary, through the Center, shall—

(1) Annual research summary

compile, analyze, publish, and disseminate a summary annually of recently conducted and currently conducted research on child abuse and neglect;

(2) Information clearinghouse

develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

(3) Training materials for personnel

compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) Technical assistance

provide technical assistance (directly or through grant or contract) to public and non-profit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect;

(5) Research into causes, prevention, identification, and treatment

conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof;

(6) Study

make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity; and

(7) Plan

in consultation with Federal agencies serving on the Advisory Board on Child Abuse and Neglect (established by section 5105 of this title), prepare a comprehensive plan for seeking to bring about maximum coordination of the goals, objectives, and activities of all agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than twelve months after April 24, 1978.

The Secretary shall establish research priorities for making grants or contracts under clause (5) of this subsection and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

(c) Grant and contract authority

The Secretary may carry out his functions under subsection (b) of this section either di-

rectly or by way of grant or contract. Grants may be made under subsection (b)(5) of this section for periods of not more than three years. Any such grant shall be reviewed at least annually by the Secretary, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

(d) Staff and resource availability to Center

The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this subchapter.

(Pub. L. 93-247, § 2, Jan. 31, 1974, 88 Stat. 4; Pub. L. 93-644, § 8(d)(1), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95-266, title I, § 101, Apr. 24, 1978, 92 Stat. 205; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-266, § 101(1), in cls. (1) and (3) added requirement of dissemination of annual summary and training materials, respectively, and added cl. (7).

Subsec. (c). Pub. L. 95-266, § 101(2), added provisions relating to duration and review of grants under subsec. (b)(5) of this section.

Subsec. (d). Pub. L. 95-266, § 101(3), added subsec. (d).

1975—Subsec. (c). Pub. L. 93-644 added subsec. (c).

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" in subsec. (a), pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-266 provided: "That this Act [enacting subchapter II of this chapter and amending sections 5101 to 5105 of this title] may be cited as the 'Child Abuse Prevention and Treatment and Adoption Reform Act of 1978'."

SHORT TITLE

Section 1 of Pub. L. 93-247 provided: "That this Act [enacting this subchapter] may be cited as the 'Child Abuse Prevention and Treatment Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5104, 5105, 5107 of this title.

§ 5102. "Child abuse and neglect" defined

For purposes of this subchapter the term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question, by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

(Pub. L. 93-247, § 3, Jan. 31, 1974, 88 Stat. 5; Pub. L. 95-266, title I, § 102, Apr. 24, 1978, 92 Stat. 206.)

AMENDMENTS

1978—Pub. L. 95-266 added "or exploitation" following "sexual abuse" and "or the age specified by the

child protection law of the State in question," following "eighteen".

§ 5103. Demonstration programs and projects

(a) Grants and contracts; scope of activities

The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

(1) for training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

(b) Grants to States; qualifications for assistance; reduction of awards; compliance of social security provisions with certain requirements

(1) The Secretary, through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this subchapter for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

If a State has failed to obligate funds awarded under this subsection within eighteen months after the date of award, the next award under this subsection made after the expiration of such period shall be reduced by an amount equal to the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act [42 U.S.C. 601 et seq., 620 et seq.] shall comply with the

requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).

(c) Prohibition of assistance for construction of facilities; lease or rental and alteration or repair of facilities

Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) Criteria for equitable distribution of assistance

The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

(e) "State" defined

For the purpose of this section, the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific.

(Pub. L. 93-247, § 4, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93-644, § 8(d)(2), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95-266, title I, § 103, Apr. 24, 1978, 92 Stat. 206.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A and Part B of title IV of the Social Security Act are classified generally to Part A (§ 601 et seq.) and Part B (§ 620 et seq.), respectively, of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-266, § 103(1), in the introductory material added "or service" following "demonstration", in cl. (1) struck out "the development and establishment of" preceding "training programs for professionals", and struck out material following cl. (4) which related to use of appropriated funds for carrying out provisions.

Subsec. (b)(1). Pub. L. 95-266, § 103(2)(A), substituted provisions authorizing the Secretary to make grants through the Center, for provision setting forth minimum and maximum amounts for grants in any fiscal year, and struck out "for the payment of reasonable and necessary expenses" following "to the States".

Subsec. (b)(2). Pub. L. 95-266, § 103(2)(B), added provision following cl. (J) relating to failure of a State to obligate awarded funds.

1975—Subsec. (e). Pub. L. 93-644 added subsec. (e).

LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS TO MAKE GRANTS UNDER SUBSEC. (b)(1) FOR FISCAL YEARS 1982 AND 1983

Pub. L. 97-35, title VI, § 609, Aug. 13, 1981, 95 Stat. 488, provided that: "There is authorized to be appropriated to make grants to States under section 4(b)(1) of the Child Abuse Prevention and Treatment Act

[subsec. (b)(1) of this section] \$7,000,000 for each of the fiscal years 1982 and 1983."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5104 of this title.

§ 5101. Authorization of appropriations and funding requirements for child abuse and neglect and sexual abuse programs or projects

(a) There are hereby authorized to be appropriated for the purposes of this subchapter \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year, \$25,000,000 for the fiscal year ending September 30, 1978, \$27,500,000 for the fiscal year ending September 30, 1979, and \$30,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively. Of the funds appropriated for any fiscal year under this section, not less than 50 per centum shall be used for making grants or contracts under sections 5101(b)(5) of this title (relating to research) and 5103(a) of this title (relating to demonstration or service projects), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness, of not less than 25 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for the fiscal years ending September 30, 1978, and September 30, 1979, respectively, and not less than 30 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for each of the fiscal years ending September 30, 1980, and September 30, 1981, respectively.

(b)(1) There are authorized to be appropriated \$3,000,000 for the fiscal year ending September 30, 1978, \$3,500,000 for the fiscal year ending September 30, 1979, and \$4,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively, for the purpose of making grants and entering into contracts (under sections 5101(b)(5) of this title (relating to research), 5103(a) of this title (relating to demonstration or services projects), and 5103(b)(1) of this title (relating to grants to States)) for programs and projects (including the support of not less than three Centers for the provision of treatment, and personnel training, and other related services) designed to prevent, identify, and treat sexual abuse of children, including programs involving the treatment of family units, programs for the provision of treatment and related services to persons who have committed acts of sexual abuse against children, and programs for the training of personnel.

(2) Of the sums appropriated under this subsection, not more than 10 per centum shall be expended under section 5101(b)(5) of this title (relating to research).

(3) As used in this subsection, the term—

(A) "sexual abuse" includes the obscene or pornographic photographing, filming, or de-

piction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary; and

(B) "child" or "children" means any individual who has not attained the age of eighteen.

(4)(A) Nothing contained in the provisions of this subsection shall be construed as prohibiting the use of funds appropriated under subsection (a) of this section for programs and projects described in subsection (b) of this section, nor be construed to prohibit programs or projects receiving funds under subsection (a) of this section from receiving funds under subsection (b) of this section.

(B) No funds shall be obligated or expended under this subsection unless an amount at least equal to the amount of funds appropriated in fiscal year 1977 has been appropriated for programs and projects under subsection (a) of this section for any succeeding fiscal year.

(Pub. L. 93-247, § 5, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95-266, title I, § 104, Apr. 24, 1978, 92 Stat. 206.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-266, § 104, designated existing provisions as subsec. (a) and, as so designated, added provisions authorizing appropriations for the fiscal year ending Sept. 30, 1978, through the fiscal year ending Sept. 30, 1981, and provisions setting forth funding requirements for child abuse and neglect programs and projects.

Subsec. (b). Pub. L. 95-266, § 104(2), added subsec. (b).

CHANGE OF NAME

The Department of Health, Education, and Welfare, referred to in subsec. (a), was redesignated the Department of Health and Human Services by section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 5105. Advisory Board on Child Abuse and Neglect

(a) Appointment; membership; representation from Federal agencies and general public; functions

The Secretary shall, within sixty days after January 31, 1974, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Department of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration, and not less than three members from the general public with experience or expertise in the field of child abuse and neglect. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted under this subchapter with

such programs and activities planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

(b) Review and submission of plan to President and Congress

The Advisory Board shall review the comprehensive plan submitted to it by the Center pursuant to section 5101(b)(7) of this title, make such changes as it deems appropriate, and submit to the President and the Congress a final such plan not later than eighteen months after April 24, 1978.

(c) Compensation; travel expenses and per diem

Members of the Advisory Board, other than those regularly employed by the Federal Government, while serving on business of the Advisory Board, shall be entitled to receive compensation at a rate not in excess of the daily equivalent payable to a GS-18 employee under section 5332 of title 5, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(Pub. L. 93-247, § 6, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95-266, title I, § 105, Apr. 24, 1978, 92 Stat. 207; Pub. L. 96-88, title III, § 301(b)(2), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

GS-18, referred to in subsec. (c), is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-266, § 105(1), (2), added requirement for representation from the general public, and "planned," preceding "administered" in two places.

Subsec. (b). Pub. L. 95-266, § 105(3), substituted provisions relating to review of the plan by the Advisory Board and submission to the President and Congress of a final plan, for provisions relating to a report by the Advisory Board on assisted programs, etc., and submission to the President and Congress.

Subsec. (c). Pub. L. 95-266, § 105(3), substituted provisions setting forth compensation and travel expense allowance authorizations for members of the Board, for provisions authorizing use of appropriated funds for required report.

TRANSFER OF FUNCTIONS

"Department of Education" was substituted for "Office of Education" in subsec. (a), pursuant to sections 301(b)(2) and 507 of Pub. L. 96-88, which are classified to sections 3441(b)(2) and 3507 of Title 20, Education and which transferred the Office of Education to the Department of Education.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of its establishment unless in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the end of such period, or in the case of a board estab-

lished by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5101 of this title.

§ 5106. Coordination of Federal programs; regulations; arrangements

The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this subchapter and other such programs which are assisted by Federal funds.

(Pub. L. 93-247, § 7, Jan. 31, 1974, 88 Stat. 8.)

§ 5107. Discretionary programs; authorization of appropriations

(a)(1) The Secretary of Health and Human Services, either directly, through grants to States and public and private, nonprofit organizations and agencies, or through jointly financed cooperative arrangements with States, public agencies, and other agencies and organizations, is authorized to provide for activities of national significance related to child abuse prevention and treatment and adoption reform, including operation of a national center to collect and disseminate information regarding child abuse and neglect, and operation of a national adoption information exchange system to facilitate the adoptive placement of children.

(2) The Secretary, in carrying out the provisions of this subsection, shall provide for the continued operation of the National Center on Child Abuse and Neglect in accordance with section 5101(a) of this title for each of the fiscal years 1982 and 1983.

(3) If the Secretary determines, in fiscal year 1982 or 1983, to carry out any of the activities described in section 5101(b) of this title, the Secretary shall carry out such activities through the National Center on Child Abuse and Neglect.

(b) There is authorized to be appropriated to carry out this section \$12,000,000 for each of the fiscal years 1982 and 1983. Of the amounts appropriated under this subsection for any fiscal year, not less than \$2,000,000 shall be available to carry out title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.).

(Pub. L. 97-35, title VI, § 610, Aug. 13, 1981, 95 Stat. 488.)

REFERENCES IN TEXT

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, referred to in subsec. (b), is Pub. L. 95-266, Apr. 24, 1978, 92 Stat. 205, as amended. Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is classified generally to subchapter II (§ 5111 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 5101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1981, and not as part of the Child Abuse Prevention and Treatment Act which comprises this chapter.

SUBCHAPTER II—ADOPTION OPPORTUNITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5107 of this title.

§ 5111. Congressional findings and declaration of purpose

The Congress hereby finds that many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent, adoptive homes; that the majority of such children are of school age, handicapped, or both; that adoption may be the best alternative for assuring the healthy development of such children; that there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and that, in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not be maintained in foster care or institutions when adoption is appropriate and families for them can be found. It is, therefore, the purpose of this subchapter to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs by—

(1) promoting the establishment of model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

(2) providing a mechanism for the Department of Health and Human Services to (A) promote quality standards for adoption services (including pre-placement, post-placement, and post-adoption counseling and standards to protect the rights of children in need of adoption), and (B) provide for a national adoption and foster care information data gathering and analysis system and a national adoption information exchange system to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.

(Pub. L. 95-266, title II, § 201, Apr. 24, 1978, 92 Stat. 208; Pub. L. 96-88, title V, § 509, Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" was substituted for "Department of Health, Education, and Welfare" in par. (2), pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 5112. Model adoption legislation and procedures

(a) Issuance and publication of proposals based on recommendations of panel; comments by interested individuals, etc., and consultations; issuance and publication of final version; prohibition against conflict with interstate compacts

Not later than eighteen months after April 24, 1978, the Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall issue, based on the recommendations of the panel described in subsection (b) of this section, proposed model adoption legislation and procedures and publish such proposal in the Federal Register for comment. After soliciting and giving due consideration to the comments of interested individuals, groups, and organizations and consulting further with such panel, the Secretary shall issue and publish model adoption legislation and procedures which shall not conflict with the provisions of any interstate compact in operation pursuant to which States are making, supervising, or regulating placements of children.

(b) Panel; appointment, membership, functions, etc.

(1) Not later than ninety days after April 24, 1978, the Secretary shall appoint a panel (hereinafter referred to as the "panel") to be composed of not less than eleven nor more than seventeen members generally representative of public and voluntary organizations, agencies, and persons interested and with expertise and experience in facilitating the achievement of the purposes of this subchapter (including, but not limited to, national, State, and local child welfare organizations, including those representative of minorities, and adoptive parent organizations). The panel shall (A) review current conditions, practices, and laws relating to adoption, with special reference to their effect on facilitating or impeding the location of suitable adoptive homes for children who would benefit by adoption and the completion of suitable adoptions for such children; and (B) not later than twelve months after the date on which the members of the panel have been appointed, propose to the Secretary model (including adoption assistance agreement) legislation and procedures relating to adoption designed to facilitate adoption by families of all economic levels.

(2) The panel shall be terminated thirty days after the Secretary publishes the final model legislation and procedures pursuant to subsection (a) of this section.

(3) Members of the panel, other than those regularly employed by the Federal Government, while serving on business of the panel shall be entitled to receive compensation at a rate not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5322¹ of title 5, including traveltime; and, while

¹So in original. Probably should be "5332".

so serving away from their homes or regular places of business, they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(c) Encouragement and facilitation of enactment of comprehensive adoption assistance legislation and establishment of model provisions

The Secretary shall take such steps as he or she deems necessary to encourage and facilitate the enactment in each State of comprehensive adoption assistance legislation and the establishment in each State of the model legislation and procedures published pursuant to subsection (a) of this section.

(Pub. L. 95-266, title II, § 202, Apr. 24, 1978, 92 Stat. 208; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

GS-18, referred to in subsec. (b)(3), is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" in subsec. (a), pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 5113. Information and service functions by appropriate administrative arrangement; establishment in Department of Health and Human Services; implementation authorities

(a) The Secretary shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this subchapter. The Secretary shall make available such consultant services and personnel, together with appropriate administrative expenses, as are necessary for carrying out such purposes.

(b) In connection with carrying out the provisions of subsection (a) of this section, the Secretary shall—

(1) provide (directly or by grant to or contract with public or private nonprofit agencies and organizations) for the establishment and operation of a national adoption and foster care data gathering and analysis system utilizing data collected by States pursuant to requirements of law;

(2) conduct (directly or by grant to or contract with public or private nonprofit agencies or organizations) an education and training program on adoption, and prepare, publish, and disseminate (directly or by grant to or contract with public or private nonprofit agencies and organizations) to all interested parties, public and private agencies and organizations (including, but not limited to, hospitals, health care and family planning clinics, and social services agencies), and governmental bodies, information and education and training materials regarding adoption and adoption assistance programs;

(3) notwithstanding any other provision of law, provide (directly or by grant to or contract with public or private nonprofit agencies or organizations) for (A) the operation of a national adoption information exchange system (including only such information as is necessary to facilitate the adoptive placement of children, utilizing computers and data processing methods to assist in the location of children who would benefit by adoption and in the placement in adoptive homes of children awaiting adoption); and (B) the coordination of such system with similar State and regional systems;

(4) provide (directly or by grant to or contract with public or private nonprofit agencies or organizations, including parent groups) for the provision of technical assistance in the planning, improving, developing, and carrying out of programs and activities relating to adoption; and

(5) consult with other appropriate Federal departments and agencies in order to promote maximum coordination of the services and benefits provided under programs carried out by such departments and agencies with those carried out by the Secretary, and provide for the coordination of such aspects of all programs within the Department of Health and Human Services relating to adoption.

(Pub. L. 95-266, title II, § 203, Apr. 24, 1978, 92 Stat. 209; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" was substituted for "Department of Health, Education, and Welfare" in subssecs. (a) and (b)(5), pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 5114. Study and report of unlicensed or unregulated adoption placements

The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after April 24, 1978) designed to determine the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity.

(Pub. L. 95-266, title II, § 204, Apr. 24, 1978, 92 Stat. 210.)

§ 5115. Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the succeeding three fiscal years to carry out this subchapter.

(Pub. L. 95-266, title II, § 205, Apr. 24, 1978, 92 Stat. 211.)